IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

FRIDAY, THE 16TH MARCH 2007 / 25TH PHALGUNA 1928

Crl.MC.No. 722 of 2007()

CC.296/2001 of JUDL.MAGISTRATE OF FIRST CLASS COURT-III, PALAKKAD

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PETITIONER: ACCUSED

MOHANDAS, S/O.MADHAVAN NAIR, AGED 34
YEARS, KAMALA NIVAS, THEKKONI, KOTTEKKAD,
PALAKKAD.

BY ADV. SRI.JACOB SEBASTIAN

RESPONDENTS: COMPLAINANT

STATE OF KERALA, REPRESENTED BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM REPRESENTING S.I. OF POLICE, MALAMPUZHA
POLICE STATION IN CRIME NO.41/99

BY PUBLIC PROSECUTOR SRI. S.U. NAZER

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 16/03/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

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Crl.M.C.NO.722/2007

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Dated this the 16th Day of March, 2007

O R D E R

The petitioner, who is the first accused in Crime No.41/1999 of Malampuzha police station for an offence punishable under Section 324 IPC read with Section 34 IPC, seeks a direction to J.F.C.M-III, Palakkad, to consider and dispose of his application for regular bail.

2. consequent on the non appearance of the petitioner in C.C.No.251/1999 before the said Magistrate, the case against him was split up and re-filed as C.C.No.296/2001. As he was absconding, the case against him was transferred to the long pending register as L.P.No.13/2003 and non bailable warrants of arrest are pending against the petitioner. This Crl.M.C. is disposed of as follows:-

> If the petitioner surrenders before the Magistrate and files an application for regular bail within two weeks from today, the same shall be considered and disposed of preferably on the same day on which it is filed, after examining the explanation offered by the petitioner for his previous non appearance

and also after considering his contention that co-accused in the case has been acquitted after trial.

3. Until such consideration, non bailable warrants of arrest if any, pending against the petitioner shall not be executed.

V.RAMKUMAR
JUDGE

mrcs